

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

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## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) **22 -06- 2005**

Applicant's or agent's file reference  
**BP110888**

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
**PCT/FI 2005/050083**

International filing date (day/month/year)  
**16-03-2005**

Priority date (day/month/year)  
**16-03-2004**

International Patent Classification (IPC) or both national classification and IPC  
**H04Q 7/22, H04Q 7/32**

Applicant  
**Nokia Corporation et al**

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further opinions, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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Box No. I      Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language, \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing  
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format  
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-18	YES
	Claims	---	NO
Inventive step (IS)	Claims	---	YES
	Claims	1-18	NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims	---	NO

2. Citations and explanations:

The present application is concerned with a problem in mobile networks that if the size of a multimedia message is too large it can not be transmitted in the network and the originating user gets an error message.

Documents cited in the International Search Report:

D1. WO 03088690 A1  
D2. US 5822700 A1  
D3. US 2003081557 A1

D1, which is considered to represent the most relevant state of the art, discloses a method for adding advertisements to text messages (SMS) and multimedia messages (MMS). The messages in D1 are not allowed to have a size larger than a certain value, Max\_Message\_size, which value is determined by the network. This means that the size of the original message, Message\_size, cannot exceed the value of Max\_Message\_size-Slogan\_size (see page 7, line 6-19). The maximum size of the messages is communicated to the users (see page 6, line 31 - page 7, line 5).

D2 and D3 are background art documents and are not considered to be of particular relevance.

Claims 1 and 10:

The MMS in D1 corresponds to the multimedia message in the application. The parameter Max\_Message\_size in D1

.../...

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.  
Continuation of: BOX V

corresponds to the size limit in the application. The invention according to claims 1 and 10 differs from D1 in that the size limit is available for the application and that the application indicates the size limit to the user. This feature is not explicitly described in D1. However, D1 states that the maximum message size is communicated to the user. It is obvious to the skilled person to use the application that is used for creating messages to indicate the communicated size limit to the users. Therefore, the invention according to the independent claims 1 and 10 is considered to lack an inventive step.

Claims 2 and 11:

These claims state that the size limit is received from the network. This is also the case in D1. Thus, the invention according to claims 2 and 11 is considered to lack an inventive step.

Claim 4:

This claim states that the device is provided with a multimedia message application. The device in D1 obviously contains an application for creating multimedia messages (MMS). Hence, the application according to claim 4 is considered to lack an inventive step.

Claims 8 and 9:

These claims state that the device is a mobile device. This is also the case in D1. Hence, the invention according to claims 8 and 9 is considered to lack an inventive step.

Claims 3, 5-7 and 12-18:

The invention as defined in these claims differs from D1 in obvious details concerning a method for composing a message according to claims 1 and 10.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

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More specifically, the additional features described in these claims are either known from prior art documents or generally known in the technical field of data communications.

The inclusion of such features is regarded as part of the customary praxis the skilled person would consider in accordance with circumstances.

From that described in these claims it is considered obvious to a person skilled in the art, with knowledge of D1, to accomplish what is described in these claims, if confronted with these problems. Hence, the invention claimed in claims 3, 5-7 and 12-18 is not considered to involve an inventive step.

According to the arguments stated above, the invention claimed in claims 1-18 is considered to be novel and to be industrially applicable, but claims 1-18 is considered to lack an inventive step.